

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR APPROVAL OF  
THE REDEVELOPMENT PROJECT AND CONSENT TO THE FORMATION  
OF THE NEW CHARLESTOWN, INC.

A. The Hearing. A public hearing was held at 2:30 p.m. on December 12, 1968, in the offices of the Boston Redevelopment Authority (hereinafter called "the Authority") at 73 Tremont Street, Boston, Massachusetts, by the Authority on an Application (hereinafter called "the Application") filed by Rt. Rev. Anthony Flaherty, John J. Grace, Mary E. McNeely, Seymour Kaplan, Marshall Taylor, Carmine Filloromo, Robert Murray, Neil Ellis, and Leonard Seader (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called "the Project"), and for consent to the formation of The New Charlestown, Inc., a corporation to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on November 27, 1968, corrected and republished on December 4 and December 9, 1968, in the Boston Herald Traveler, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A

Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Rt. Rev. Msgr. Francis J. Lally, Chairman of the Authority, and James G. Colbert, Melvin J. Massucco, George P. Condakes, and Patrick Bocanfuso, members of the Authority, were present at the hearing.

B. The Project. The Project consists of the purchase by The New Charlestown, Inc., of Charlestown Urban Renewal Area Disposition Parcels R-1A, R-1B, and R-1C (hereinafter called "the Project Area"), and the construction, operation and maintenance thereon of moderate income cooperative housing consisting of a building apartment complex of varying heights ranging from a one (1) story building through a four (4) story building and containing approximately 262 dwelling units with appurtenant facilities including landscaping, walks, driveways, on-site parking to accommodate 262 cars, and approximately 5,460 square feet of commercial space. Said Parcels R-1A, R-1B, and R-1C are shown on a plan of land entitled "Delivery Parcel Plan, Parcels R-1A, R-1B, and R-1C, Charlestown Urban Renewal Area, Project No. Mass. R-55, Boston - Suffolk County - Massachusetts", prepared by Edwards and Kelcey, Inc., dated July 22, 1968 (Exhibit B of the Application).

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made

at the hearing. The members of the Authority have also viewed the Project Area.

D. The Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of said Chapter 121A, Section 1, of the General Laws, providing as it does, for the construction, operation and maintenance of decent, safe and sanitary residential buildings in part of a larger area which was previously declared to be a substandard and decadent area under Chapter 121 of the General Laws by the Authority on March 25, 1965. This finding was concurred in by the Boston City Council in its resolution approving the Charlestown Urban Renewal Plan, and by the State Housing Board, and the Project Area was taken by the Authority by eminent domain in part, and by purchase in part, in furtherance of said Urban Renewal Plan.

Conditions exist which warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a "project" within the meaning of the law. As stated above, the Project Area is included within a larger area which the Authority has already found to be substandard and decadent under the provisions of Chapter 121 and has been taken by eminent domain in part and purchase in part. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960, as amended, will be met by the carrying out of the Project as it will provide desirable housing accommodations for low and moderate income families, in an area where there is an existing shortage of decent, new housing.

E. Cost of the Project. In the opinion of the Authority, the cost of the project has been realistically estimated in the Application and the Project is practicable. The Applicants have received a mortgage insurance commitment from the Federal Housing Administration to insure the mortgage in the amount of \$5,752,700 under Section 221(d)(3) of the National Housing Act. All of the funds which will be required in addition to those obtained from the Federal Housing Administration mortgage financing are already available to the Applicants. Simultaneously with the execution of the Land Disposition Agreement between the Authority and The New Charlestown, Inc., The New Charlestown, Inc. will deposit with the Authority 20% of the purchase price for the Project Area and the balance of said purchase price will be paid simultaneously with the conveyance of the Project Area by the Authority to The New Charlestown, Inc.

F. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In resolutions adopted by the Authority on March 25, 1965, in approving the Charlestown Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project conforms to the Charlestown Urban Renewal Plan, as amended.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the

Project are an attractive and efficiently designed apartment complex with ample light and air and appurtenant open spaces and will enhance the general appearance of the Area and furnish attractive and necessary accommodations for families of low and moderate income.

Exhibit F of the Application sets forth amounts to be paid by agreement by the 121A Corporation to the City of Boston, pursuant to the contract under Section 6A of Chapter 121A of the General Laws, in addition to the excise prescribed by Section 10 of Chapter 121A.

The carrying out of the Project will not of itself involve the destruction of buildings occupied in whole or in part as dwellings, as the Project Area was devoted exclusively to business use and no families have been or are presently resident in the Project Area. All businesses formerly resident in the Project Area have been satisfactorily relocated. The Project will provide approximately 262 new dwelling units within the Project Area.

The Project Area does not include land within any location approved by the State Department of Public works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and management of the Project as set forth in Exhibit D filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to the Project for the same period as the Project is subject to the provisions of

Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended. The Authority hereby approves any financing made pursuant to Paragraph 8 of the Application which is insured by the Federal Housing Administration notwithstanding that the amount thereof may be in excess of 90% of the estimated cost of the Project.

The carrying out of the Project will not require the erection maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty pupils, or as a public or private hospital having more than twenty-five beds, or as a Church.

To the extent that the Project involves the construction of units which constitute a single building under the Boston Building Code and Zoning law, the Authority declares such units separate buildings for the purposes of Chapter 138 of the General Laws.

**I. Deviations.** Exhibit E filed with and attached to the Application, sets forth the permissions requested for the Project to deviate from zoning and other regulations in effect in the City of Boston.

Since the public hearing on the Application on December 12, 1968, certain revisions to the building plans and specifications for the Project have obviated the need for certain of the permissions initially requested in said Exhibit E and have necessitated the modification of others. The Applicants have requested that the Authority, concurrent with its adoption of the Report and Decision on the Project, allow them to amend said

Exhibit E by deleting those permissions no longer needed and by modifying others as appropriate. No additional permissions are being requested by the Applicants, and the Authority finds that the proposed amendments to Exhibit E do not in any way substantially add to, subtract from, or modify the substance of the permissions initially requested in said Exhibit E.

Accordingly, Exhibit E of said Application is amended as follows:

- (1) The permission requested in Paragraph II.5 of Exhibit E of the Application is amended to read as follows:

"Permission is sought, in order to introduce natural light and to provide views down the central promenade, to provide glass on the exterior wall of the corridor serving one-bedroom apartments over the shops at Medford Street. Section 1005(d) of the Building Code could be interpreted to prohibit this."

- (2) The permission requested in Paragraph II.12. of Exhibit E of the Application is amended to read as follows:

"Permission is sought, in order to introduce natural light and to provide views down the central promenade, to provide glass on the exterior wall of the corridor that serves the one-bedroom apartments at Medford Street over the shops. Section 1805(f) of the Building Code could be interpreted to require fire-resistive materials."

- (3) The permission requested in Paragraph II.14. of Exhibit E of the Application is amended to read as follows:

"Permission is sought for the walk-up units to deviate from Section 1803(b) of the Building Code which specifies that in buildings more than three stories high with flat roofs at least one interior stairway or ramp shall extend to the roof. In the four-story walk-ups, the interior stairs do not extend to the roof, but at each block the exterior egress stair at each end does extend to the roof."

(4) The permission requested in Paragraph II.20. of Exhibit E of the Application is amended to read as follows:

"Permission is sought to deviate from Section 1812 (g) of the Building Code which requires automatic closing fire windows for windows under or within 5' from a fire escape. In order to allow for maximum light and view, and to preserve the residential character of the rooms in the lower duplex apartments in the walk-up units, which have windows under or within 5' of the upper duplex apartment balconies, the use of clear glass in windows without automatic closing devices is requested."

(5) The permission requested in Paragraph II.21. of Exhibit E of the Application is amended to read as follows:

"Permission is sought to use, in the bedrooms on the fourth floor and the kitchens on the third floor, as horizontal exits in the upper duplex apartments in the walk-up units, oversized horizontal sliding windows with a sill height of approximately 7½" in an exterior wall for egress in place of a door as specified in Section 1815 (a) of the Building Code."

(6) The permission requested in Paragraph II.22. of Exhibit E of the Application is amended to read as follows:

"Permission is sought to have a horizontal exit in an exterior wall lead to a connecting balcony of Type I construction which connects only two upper duplex apartments in the walk-up units which are separated by a two-hour fire resistive wall instead of leading to another building or another fire division of a building as required by Sections 1815(a) and 1815(f) of the Building Code."

(7) The permission requested in Paragraph II.23. of Exhibit E of the Application is amended to read as follows:

"Permission is sought for the oversized horizontal sliding windows with a sill height of approximately 7½" at the connecting balconies of the upper duplex apartments in the walk-up units and windows in rooms of the lower duplex apartments which occur under said connecting balconies to deviate from Section 1815(f) of the Building Code which requires automatic closing fire windows on windows opening on or under, or within 5' of a connecting balcony. In order to allow for maximum light and views and to preserve the residential character of the apartments, the use of clear glass in windows without automatic closing devices is requested."

(8) The permission requested in Paragraph II.24. of Exhibit E of the Application is deleted.

(9) The permission requested in Paragraph II.27. of Exhibit E of the Application is deleted.

(10) The permission requested in Paragraph II.30 of Exhibit E of the Application is amended to read as follows:

"Permission is sought to use 2 5/8" layers of dry wall construction material on interior bearing partitions for a two-hour fire resistive rating. Section 2211(b) of the Building Code does not provide for the use of dry wall construction material.

(11) The permission requested in Paragraph II.31. of Exhibit E of the Application is deleted.

(12) The permission requested in Paragraph II.32 of Exhibit E of the Application is amended to read as follows:

"Permission is sought in order to allow for maximum light and view and to preserve the residential character of the duplex apartments in the walk-up units to use clear glass in place of wire glass where fire resistive windows are required. Section 2216(d) of the Building Code specifies wire glass in fire resistive windows.

All references to Exhibit E of the Application hereinafter contained and mentioned in connection with the Authority determinations on the permissions requested in said Exhibit E shall mean and describe Exhibit E as hereinabove amended.

Zoning Code

- (1) Each of the permissions requested in Paragraphs I.1., I.2., I.3., I.4., and I.6., of Exhibit E of the Application is hereby granted.
- (2) The permission requested in Paragraph I.5. of Exhibit E of the Application to deviate from Section 11-1 of the Zoning Code is hereby granted subject to the following limitations:

No sign or sign board shall be erected or placed on the exterior of any building in the Project Area or on any portion of the Project Area which is not enclosed within a building unless the character, location, design, shape, size, form and lighting of such sign or sign board has been approved by the Authority.

Building Code

- (1) Each of the permissions requested in Paragraphs II.1., II.2., II.3., II.4., II.5., II.6., II.7., II.8., II.10., II.11., II.12., II.13., II.17., II.18., II.19., II.20., II.21., II.22., II.23., II.25., II.26., II.28., II.32., and II.33., of Exhibit E of the Application is hereby granted.

(2) The permission requested in Paragraph II.9., of Exhibit E of the Application to deviate from Section 1507 of the Building Code so as to allow coat closets under stair landings on the first and third levels of the walk-up units, is hereby granted, provided that there is a one-hour fire resistive rating on the soffit of the stair landings under which said closets are located.

(3) The permission requested in Paragraph II.14., of Exhibit E of the Application to deviate from Section 1808(b) of the Building Code which specifies that in buildings more than three stories high with flat roofs, at least one interior stairway or ramp shall extend to the roof, is hereby granted so as to allow the use of exterior stairs, provided said exterior stairs, otherwise satisfy the requirements of said Section 1808 (b).

(4) The permission requested in Paragraph II.15., of Exhibit E of the Application to use wood construction for interior duplex apartments stairs in place of incombustible materials as specified in Section 1808 (f) of the Building Code, is hereby granted, provided that such wood construction meets the fire resistive protection requirements for floors as specified in Section 1603(a).

(5) The permission requested in Paragraph II.16., of Exhibit E of the Application to deviate from Section 1808(n) of the Building Code so as to allow coat closets under stair landings on the first and third levels of the walk-up units is hereby granted provided that there is a one-hour fire resistive rating on the soffit of the stair landings under which said closets are located.

(6) The permission requested in Paragraph II.29., of Exhibit E of the Application to deviate from Section 2203 of the Building Code so as to allow the use of spray-on fireproofing for columns and beams where necessary which has the Underwriter's Laboratory approval is hereby granted, provided that such use complies with the Building Commissioner's Bulletin pertaining to spray-on fireproofing.

(7) The permission requested in Paragraph II.30., of Exhibit E of the Application to deviate from Section 2211(b) of the Building Code so as to allow the use of 2 5/8" layers of dry wall construction material on interior bearing partitions for a 2-hour fire resistive rating is hereby granted, provided that a high grade or rating of fire resistive dry wall construction material is used.

For the reasons set forth in the Application and supporting documents, including said Exhibit E, and in the evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the granted permissions is reasonably necessary for the carrying out of the Project and may be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances or regulations, respectively; the Authority is also satisfied, by reliable and generally accepted tests, or by experience in other cities, and on other FHA projects, that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E, and in the evidence

presented at the hearing will sufficiently satisfy the purpose for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority, and the Authority for these reasons and for the reasons set forth in the Application and supporting documents, including Exhibit E, and the evidence presented at the hearing, and in this report, hereby approves the Project and consents to the formation of The New Charlestown, Inc., as requested in the Application, and consents to the filing of the Articles of Organization for such corporation substantially in the form annexed to said Application.

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MEMORANDUM

JANUARY 23, 1969

**TO:** Boston Redevelopment Authority

**FROM:** Hale Champion, Director

**SUBJECT:** Report and Decision on Chapter 121A by  
Right Reverend Anthony Flaherty and others  
Parcels R-1a, R-1b, and R-1c  
Charlestown Urban Renewal Area

**SUMMARY:** This memorandum requests that the Board  
adopt the Report approving the 121A  
Redevelopment Project for Parcels R-1a,  
R-1b, and R-1c, Charlestown, and Consent  
to the Formation of The New Charlestown,  
Inc.

A public hearing was held by the Authority on December 12, 1968, on an Application filed by Right Reverend Anthony Flaherty and others for authorization and approval of a redevelopment project under Chapter 121A of the Massachusetts General Laws and Chapter 652 of the Acts of 1960, as amended, and for consent to the formation of The New Charlestown, Inc., a corporation to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the project.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed undertaking to permit the Authority to proceed with the adoption of the attached Report and Decision approving the project.

This development will provide much needed and desirable low and moderate cooperative housing in the Charlestown area. As indicated by the Applicants at the public hearing, and as stated in the Application itself, an efficient and attractive building apartment complex of varying heights, ranging from one and two story attached row houses through four-story stacked duplexes will be distributed over three adjacent disposition parcels, and will contain 262 dwelling units of one, two-, three- and four-bedroom unit composition. Approximately 78 of the larger units will be made available to low income families through a long-term leasing arrangement with the Boston Housing Authority.

The Redeveloper has received an FHA mortgage insurance commitment in the amount of \$5,752,700.00, and the FHA initial closing is expected to be held in March. If the Report and Decision is approved, the Applicants will request Authority approval to start site improvement work prior to title closing.

As required by Chapter 121A of the General Laws, I recommend that the Authority adopt the Report of the Project and consent to the formation of The New Charlestown, Inc.

An appropriate Vote follows.

VOTED: That the Document presented at this meeting entitled "Report and Decision on Application for Approval of the Redevelopment Project and Consent to the Formation of The New Charlestown, Inc." be and hereby is approved and adopted.

